

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 19-cr-00251-LM

Johnathan Irish

PROCEDURAL ORDER

On February 12, 2020, after a three-day trial, a jury convicted defendant, Johnathan Irish, of one count of being a felon in possession of a firearm. The jury also returned a forfeiture verdict regarding the two firearms involved in the offense.

On February 20, 2020, Irish's trial counsel, Attorney Benjamin Falkner, filed a motion to withdraw, asserting that Irish wanted Attorney Falkner to withdraw because Irish intended to file a pro se motion for a new trial based on ineffective assistance of counsel. On February 25, 2020, Irish filed a pro se "Motion for a New Trial Due to Ineffective Assistance of Counsel." Doc. no. [42](#).

On March 2, the court held a hearing on the motion to withdraw. At the hearing, Irish had an opportunity to explain why he wanted Attorney Falkner to withdraw and to express his desire for the appointment of new counsel to represent him. The court orally granted the motion to withdraw.

On March 4, the court appointed Attorney Richard Guerriero to represent Irish with regard to his motion for a new trial and at sentencing. Transcripts of the trial and every hearing held in this case shall be created and provided to Attorney Guerriero under the Criminal Justice Act, 18 U.S.C. § 3006A.

No later than 60 days after the transcripts are created, a status conference shall be scheduled so that the court may inquire about the necessity of any further briefing and the scheduling of the sentencing hearing. The court will not rule on the government's motion for a preliminary order of forfeiture (doc. no. 43) until Attorney Guerriero has an opportunity to respond to it.

In light of the appointment of new counsel, the sentencing hearing currently set for May 28, 2020, is continued.

SO ORDERED.



Landya McCafferty
United States District Judge

March 9, 2020

cc: Counsel of Record
U.S. Probation
U.S. Marshal